



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Paul Mayernick,
Project Coordinator Construction,
Sussex County

Examination Appeal

CSC Docket No. 2020-404

ISSUED: December 18, 2019 (RE)

Paul Mayernick appeals the determination of the Division of the Agency Services (Agency Services), which found that he was below the minimum requirements in experience for a qualifying demotional examination for Project Coordinator Construction.

By way of background, the appellant was appointed provisionally, pending a qualifying examination (PAQ), in the Project Coordinator Construction title effective May 16, 2019. Agency Services processed a qualifying examination for the appellant, to determine if he possessed the necessary qualifications for the subject title and he failed. The requirement for Project Coordinator Construction is four years of experience coordinating, supervising, or estimating the work involved in the construction and alteration of public works facilities or other construction projects, including the preparation and/or interpretation of construction documents. The appellant has been returned to his permanent title, Senior Electrician.

On his qualifying examination application, the appellant indicated three positions: Senior Electrician, Foreman with AMEC, and an untitled position with the U.S. Postal Service. He did not list or provide duties for his provisional position. None of his experience was accepted and he was found to be lacking four years of required experience. As he did not meet the minimum requirements, he did not pass the qualifying examination for the subject title. On appeal, the appellant mixes a listing of duties that he has performed, his qualifications such as licenses, and his skill sets. He provides this information without specifying in which position(s) he performed these duties, or for how long. He states that he has ten

years in the coordination of construction projects, and that the skills needed would translate from one trade to another. He states that his positions should not be dismissed since they relate only to one subtrade (electrical), since the fundamental skill set is the same in coordinating one or multiple trades. Lastly, he states that local public contract law in New Jersey strictly limits qualified persons who may prepare construction documents for public works projects as architects and professional engineers, and therefore the job specification should be corrected.

CONCLUSION

N.J.A.C. 4A:4-7.8(c) provides, in pertinent part, that if the nature of the work, education and experience qualifications of both titles are dissimilar for a demotional title change, then the employee shall be appointed pending examination.

N.J.A.C. 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

A review of the appellant's application reveals that he does not meet the experience requirements for Project Coordinator Construction. The appellant is arguing that his work involves coordinating, supervising, or estimating the work involved in the construction and alteration of public works facilities or other construction projects. However, if the nature of the work and experience qualifications of both titles were not dissimilar, then the appellant should not have been provisionally appointed pending a qualifying examination. Thus, the duties of a Senior Electrician do not match the required experience.

A Senior Electrician performs the work involved in the installation, maintenance, and repair of electrical wiring systems, fixtures, controls, and equipment. A Senior Electrician makes more difficult determinations, installations and repairs than an Electrician, i.e., deciding on the types of conduit, wiring, relays, distribution panels and other electrical devices. The Senior Electrician traces hard to locate defects or problems and completes repairs with little or no advice. As a regular and recurring part of the job, the incumbent leads or provides technical advice or assistance to Electricians, ensures work is carried out, sees that needed supplies are available, reporting on the status of work, and work from plans, blueprints, diagrams, drawings, and manuals.

The appellant indicated that he provides technical advice, supervised Electricians and examined their work for hazards and unsafe conditions, prepared schematics, plans and specifications, prepared reports, ordered and coordinated supplies and maintained inventory, "coordinate[d] inspections and sub-contractors," estimated manpower, materials, costs, and timetables, solicited price quotes from vendors, was safe, and read blueprints and technical specifications. The appellant does not specify on his application or on appeal that he was working on public works facilities or other construction projects, either facilities under construction or

facilities under renovation or restoration. Mainly, his work was on “projects,” a variety of electrical tasks, and jobs. The appellant has provided a description which indicates that he performs all aspects related to electronics without actually doing electrical work. This is disingenuous.

Next, the Senior Electrician title is a lead worker title, not a supervisory title. Even if the appellant were performing out-of-title work in his Senior Electrician position, the Commission has found that there is no good cause to relax the rules to consider out-of-title work on a qualifying examination because, unlike a promotional examination where good cause can be found to accept out-of-title work because an appointing authority is entitled to appoint from a complete list, there is no such entitlement for a qualifying examination. *See In the Matter of Drew Pangaldi, Construction Management Specialist 3, Department of Corrections* (CSC, decided June 20, 2018). Further, and more importantly, a qualifying examination is still an examination, and not an application to be considered for eligibility. The original application is the “test paper,” and additional information provided on appeal is not considered. To do so would be tantamount to alteration of an answer sheet following the administration of an assembled examination.

As a Foreman with AMEC Electric LLC, the appellant did not work on construction projects. His untitled position with the U.S. Postal Service appears to have duties of a Maintenance Mechanic, which is the title he had used on a prior application, and those duties are inapplicable.

Agency Services correctly determined that the appellant did not pass the subject qualifying examination. Therefore, he has failed to support his burden of proof in this matter.

As to the inclusion of “construction documents,” in the experience requirement, the appellant states that local public contract law limits the preparation of construction documents to architects and professional engineers. The appellant has not provided a citation, case law, regulation, or ordinance to support this claim. There are 565 municipalities in New Jersey, and 21 counties. If such public contract law exists, the appellant should produce evidence for his argument, so that it may be considered.

ORDER

Therefore, it is ordered that this request be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18th DAY OF DECEMBER, 2019



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